



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.19776 of 2019

Rajkumar

... Petitioner

Vs.

1.The Regional Transport Officer
Trichy West
Regional Transport Office
Trichy District

2.The Motor Vehicle Inspector (Grade-II)
Unit Office
Lalgudi
Trichy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents herein to release the petitioner's bus bearing Registration No.PY-02-P-3870 (ASHOK LEYLAND) forthwith by imposing any conditions including payment of any fine amount whatsoever on the basis of petitioner representation dated 06.08.2019 within the time stipulated by this Court.

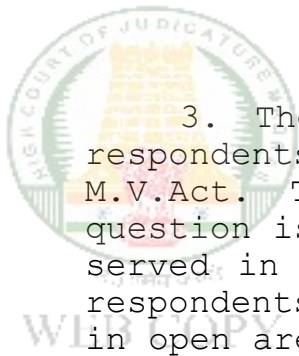
For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents to release his Bus bearing Registration No. PY-02-P-3870 from the custody of the respondents.

2. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of Bus on the ground that certain norms prescribed under the Motor Vehicles Act are not complied with.



3. The Bus belonging to the petitioner was seized by the respondents on the ground that the violation of the norms under the M.V.Act. The act of seizure cannot be faulted. But, then the question is whether it should be released or not. No purpose will be served in continuing to keep the said Bus in the custody of the respondents, since the vehicle would only lose its value by exposure in open area. That apart, this Court can take judicial notice of the fact that the parts of such detained buses go missing. Therefore, the respondents are directed to return the Bus to the petitioner within a period of one week from the date of receipt of a copy of this order.

4. The petitioner has to file an undertaking affidavit before the respondents offering to extend full co-operation with the enquiry that may be initiated by the respondents. The petitioner shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are again violated, it would be open to the respondents to seize the vehicle in that event.

5. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

msa

To:

1.The Regional Transport Officer,
Trichy West, Regional Transport Office,
Trichy District.

2.The Motor Vehicle Inspector (Grade-II)
Unit Office, Lalgudi, Trichy.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-87656[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-87931[F] dated 19/09/2019)

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